

Remarks

The final Office Action dated June 20, 2008 lists the following rejections: claims 1, 3-8 and 10-20 stand rejected under 35 U.S.C. § 102(e) over Benveniste (U.S. Patent Pub. No. 2004/0264397); and claims 2, 9 and 21 stand rejected under 35 U.S.C. § 103(a) over Benveniste in view of Smith *et al.* (U.S. Patent Pub. No. 2003/0126244). In the discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully traverses the § 102(e) rejection of claims 1, 3-8 and 10-20 because the cited portions of the Benveniste reference do not correspond to the claimed invention which includes, for example, aspects directed to receiving requested servicing signals from respective client devices, including an unscheduled requested servicing signal received from one of the client devices. The cited portions of the Benveniste reference do not teach that access point 201 receives an unscheduled requested servicing signal from one of stations 202. *See, e.g.*, Figures 2 and 5; and Paragraphs 0049-0050. For example, the cited portions of the Benveniste reference do not mention that access point 201 can accommodate unscheduled requests for service from client devices as in the claimed invention. Applicant previously presented these arguments regarding Benveniste's lack of teaching accommodation of unscheduled requests to which the Examiner responded by citing Benveniste at paragraph 0007:5-9, which teaches stations 102 that communicate with each other in network 100 via access point 101. Benveniste at paragraph 0007:5-9, however, does not make any mention of unscheduled requests for service and this portion of Benveniste does not teach that access point 101 can accommodate unscheduled requests for service. Moreover, Benveniste identifies the system discussed in paragraph 0007 as prior art. Thus, the Examiner's reliance on paragraph 0007 (*i.e.*, teachings of another reference) as the basis for a § 102 rejection is improper.

The Examiner further responded to Applicant's previous arguments by citing Benveniste at paragraph 0056:3-5, which teaches non-power-saving stations. Benveniste at paragraph 0056:3-5, however, does not make any mention of unscheduled requests for service and this portion of Benveniste does not teach that access point 201 can accommodate unscheduled requests for service. Specifically, Benveniste teaches that

Figure 5 could be performed by the non-power-saving stations (*i.e.*, the non-power-saving stations communicate with the power-saving stations 202 and access point 201 using the scheduling method depicted in Figure 5). Moreover, the Examiner's reliance on Benveniste's non-power-saving stations to assert correspondence to Applicant's client devices is improper because the client devices of the claimed invention operate in a power-saving mode (*see, e.g.*, claims 1-17).

In view of the above, the cited portions of the Benveniste reference do not teach accommodating unscheduled requests for service from client devices as in the claimed invention. Accordingly, the § 102(e) rejection of claims 1, 3-8 and 10-20 is improper and Applicant requests that it be withdrawn.

Applicant respectfully traverses the § 103(a) rejection of claims 2, 9 and 21 because the cited portions of the Benveniste reference do not correspond to the claimed invention as discussed above in relation to the § 102(e) rejection of claims 1, 8 and 18. Applicant submits that the addition of the Smith reference fails to overcome the above discussed deficiencies of the § 102(e) rejection. In at least this regard, the § 103(a) rejection of claims 2, 9 and 21 is improper because these claims depend from one of claims 1, 8 and 18. Accordingly, the § 103(a) rejection of claims 2, 9 and 21 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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